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Note by the Secretary-General

ITU'S ROLE AS SUPERVISORY AUTHORITY OF THE INTERNATIONAL REGISTRATION SYSTEM FOR SPACE ASSETS UNDER THE SPACE PROTOCOL

Summary

This report is a follow-up to the questions and comments raised by various Administrations during Council 2012, Council 2013, and Council 2014 relating to the possible role of the International Telecommunication Union (ITU) as Supervisory Authority of the International Registration System for Space Assets and presents some information, clarification and background in this regard.

Action required

This report is transmitted to PP-14 for information.

References

Documents [C12/36](#), [C12/68](#), [C12/77](#), [C12/94](#), [C13/15](#), [C13/55](#), [C13/78](#), [C13/107](#),
[C14/51](#), [C14/65](#), [C14/71](#)

The Role and Functions of the Supervisory Authority

Question 1: Further clarifications are needed about the role of the ITU as Supervisory Authority of the future International Registration System for Space Assets. (The Administration of Japan, The Administration of Sweden)

Question 2: Relating to question 4 of Document C13/15, there is a need to specify clearly the rights and duties of the Supervisory Authority. Therefore, which document shall be read to the best answer this question? (The Administration of the Philippines)

Question 3: Which functions of the Supervisory Authority could be complementary to the ITU activities in managing spectrum/orbit resources for satellite networks/systems? Which part/area of the ITU activities will be considered as complementary? Which other positive impact on ITU activities could be identified?¹ (The Administration of Japan).

- **As answered by the Legal Adviser at the 2013 Council session,** *“The ITU would not supervise the Space Protocol but the International Registration System for Space Assets which will be managed by a Registrar. So, the role of ITU as Supervisory Authority is very narrowly defined”.*² The Legal Adviser also invited the Administration of the Philippines *“to refer to Article 17 of the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets which enumerates the rights and obligations of the Supervisory Authority as well as the Registrar. Article 17 could be completed by Article 27 of the same Convention which deals with the legal personality and the immunity of the Supervisory Authority and the Registrar. Also, this can be completed by two Articles of the Space Protocol which are Article XXVIII related to the role of the Supervisory Authority as well as Article XLVII which is entitled Review Conferences, amendments and related matters.”*
- In addition, **Document C13/15, Annex 1 (question 4)** also refers to this issue and stipulates that *“ITU’s role will be limited to the supervision of the management of the International Registry by the Registrar (it would nominate the Registrar, it would put an end to its function, follow its activities, develop regulations³ regarding the operation of the registry, rule on the tariff and structure of the Registry). However, it would not be implicated in the implementation of the Protocol by States Parties.”*
- Furthermore, **the above information was already addressed at the 2011 Council session⁴** as follows, *“the Supervisory Authority would oversee the operation of the Registry by the*

¹ See Document C14/51, 1. (2&3)

² Comment partially recorded within Document C13/120, paragraph 1.3.

³ Article XXIX of the Space Protocol entitles *First regulations* states that *“the first regulations shall be made by the Supervisory Authority so as to take effect on the entry into force of the Space Protocol.”* Nevertheless, as mentioned within Document C13/15, Annex 2 (question 3), *“the first regulations will be set by the Preparatory Commission that will act with full authority as provisional Supervisory Authority for the establishment of the International Registry for space assets pending the entry into force of the Protocol and definite choice of the Supervisory Authority.”*

⁴ Document C11/26, paragraph 1.5.

Registrar. In particular, it would appoint and, where necessary, dismiss the Registrar, monitor its activities, establish regulations in relation to the functioning of the Registry after approval by Contracting States and could be assisted by a commission of experts nominated by Signatory and Contracting States. It would determine and periodically review the structure of fees for the Registry's services (see Article 17(2) of the Convention)."

- With regard to the above which expresses the role that ITU might be able to play in the process, **Document C11/120, paragraph 5.3** identifies what ITU would not do as follows: *"ITU would be neither the depositary of the protocol nor the guarantor of its implementation or application. The purpose of the protocol was to put in place the tools required to establish a suitable global mechanism for registering titles, security rights and interests in space assets. It was not envisaged that ITU be requested to manage or administer the registry, or even to keep it up to date, but solely to supervise its management, which would be entrusted to a registrar. Thus, ITU would not assume any responsibility for management of the registry in question."*
- To summarize, the Supervisory Authority is concerned solely with the International Registry. It has no responsibility for interpretation of the Protocol, its implementation in matters not pertaining to the Registry or any other functions or activities not related to the Registry. Interpretation is ultimately a matter for national courts, which for this purpose can have regard to the Official Commentary on the Convention and Space Protocol. Similarly, the Supervisory Authority is not responsible for adjudicating on a particular registration, nor does it give instructions to the Register to change any data relating to a particular registration.
- A positive impact of ITU taking the role of the Supervisory activity would be to bring an enhanced recognition of ITU as a major/main organization dealing with satellite issues at the international level.

N.B.: It should be underlined that it is currently the Preparatory Commission which acts with full authority as Provisional Supervisory Authority as mentioned within **Resolution 1** *relating to the setting up of the Preparatory Commission for the Establishment of the International Registry for Space Assets*. The Resolution in its Resolves stipulates *"to establish, pending the entry into force of the Protocol, a Preparatory Commission to act with full authority as Provisional Supervisory Authority for the establishment of the International Registry for space assets, under the guidance of the General Assembly of UNIDROIT [...]."*

Question 4: Within the International Civil Aviation Organization (ICAO), the Council is the body which would assume the functions of the Supervisory Authority. Which body of the ITU could be responsible for this function specifically? (The Administration of Australia)

- It could reasonably be assumed that, as is the case with ICAO, this task could be assigned to the ITU Council. Nevertheless, Resolution 3 invites the Supervisory Authority to

establish a Commission of Experts, consisting of not more than 20 members nominated by the Signatory and Contracting States to the Protocol, having the necessary qualifications and experience to assist the Supervisory Authority in the discharge of its functions. A similar committee, CESAIR, a body of governmental civil aviation officials, was set up to advise ICAO as Supervisory Authority for aircraft objects. The International Registry for aircraft objects set up an International Registry Advisory Board (IRAB), group of industry special legal and technical experts, to advise the Registrar on the needs of users of the registration system. IRAB makes recommendations to CESAIR which considers them and, with such modifications as it considers necessary, recommends them to the Council of ICAO. A similar structure could also be established should ITU become the Supervisory Authority of the International Registration System for Space Assets.

The ITU mandate

Question 5: Can Article 1 of the ITU Constitution be interpreted to provide sufficient mandate to the ITU to take on this responsibility? (The Administration of Australia)

Question 6: There is a need to analyze the ITU Constitution and more particularly the Preamble and the Purpose of the Union as well as the Purpose of the Space Protocol and consequently determine if there is a direct relationship between both texts. (The Administration of the Philippines)

- **As answered by the Legal Adviser during the 2013 Council session,** *“beyond the fact that this activity could indeed be additional to what ITU normally does in administering the spectrum of radiofrequencies, it is not in contradiction with the mandate of ITU and it could be in addition to Nos. 5, 6 and 7 of the ITU Constitution.”*⁵
- The above questions were already addressed within **Document C13/15, Annex 1 and 2, question 1** as follow: *“Preliminary legal review shows that the participation of ITU as Supervisory Authority for the future registration system would be consistent with Article 1 of the ITU Constitution and would not be incompatible with other provisions of the ITU Constitution and Convention. This activity would also be complementary to ITU activities in managing spectrum/orbit resources for satellite networks.”*
- In addition, it seems important to underline that *“the role of ITU in this area would be very circumscribed. ITU would not be called on to manage or administer the Registry, and even less, to oversee the implementation of the Protocol. Similarly, ITU would not be the depositary of the Protocol.”*⁶
- Furthermore, in order to prevent conflicts, *“it would be preferable however, that the ITU be in a position to prevent them from happening, rather than trying to resolve them after*

⁵ Comment partially recorded within Document C13/120, paragraph 1.3.

⁶ Document C13/15, Annex 1, question 1.

they have occurred. For this reason, involvement of ITU as Supervisory Authority of the registration system could be of interest.”⁷

- In 2011, the report by the Secretary-General, **Document C11/26, paragraph 1.9** already mentioned that the role of the Supervisory Authority was in line with ITU’s mandate stating that *“the participation of ITU would be consistent with Article 1 of the ITU Constitution. This activity would also be complementary to the ITU activities in managing spectrum/orbit resources for satellite networks.”*
- In fact, the situation is quite similar to that which arose regarding the possibility of the Secretary-General acting as depositary for MoUs relating to telecommunications, but which had not been concluded under the auspices of the Union. Such a function was clearly not specifically foreseen either in the provisions of the Constitution or the Convention, but the Plenipotentiary Conference considered it compatible with the fundamental instruments of the Union, complementary to the Secretary-General’s mission and, lastly, in the interests of the Organization and its Membership. Having conducted this study, PP-98 adopted Resolution 100 (Minneapolis, 1998) which establishes the legal framework and the conditions under which this function may be carried out. The same could, therefore, be the case regarding the role of the Union as Supervisory Authority of the International Registration System for Space Assets under the Space Protocol.

The International Registry

Question 7: What is the exact role played by the Supervisory Authority regarding the International Registry? Does the Supervisory Authority supervise the International Registry? (The Administration of Japan)

In addition to the response given to questions 1 and 2 above which expresses, *inter alia*, that the Supervisory Authority *“supervises the Registrar and the operation of the International Registry”*,⁸ it also performs other functions for the International Registry which are very narrowly detailed within Article 17, paragraph 2 of the Convention. As stipulated within this article, the Supervisory Authority shall also:

“(a) establish or provide for the establishment of the International Registry;

(d) after consultation with the Contracting States, make or approve and ensure the publication of regulations pursuant to the Protocol dealing with the operation of the International Registry;

(e) establish administrative procedures through which complaints concerning the operation of the International Registry can be made to the Supervisory Authority;

⁷ *Ibid*, Annexes 1 and 2, question 1.

⁸ *Convention on International Interests in Mobile Equipment on Matters specific to Space Assets*, Article 17, paragraph 2 (f).

(h) set and periodically review the structure of fees to be charged for the services and facilities of the International Registry;

(i) do all things necessary to ensure that an efficient notice-based electronic registration system exists to implement the objectives of this Convention and the Protocol.”

Furthermore, *“the Supervisory Authority shall own all proprietary rights in the data bases and archives of the International Registry.”*⁹

Although supervising the Register, ITU will not incur any potential liability with regard to the Registrar’s performance. Indeed, under Article 28 of the Cape Town Convention, the Registrar is strictly liable for compensatory damages for loss suffered by a person directly resulting from an act or omission of the Registrar and its officers and employees or from a malfunction of the international registry system and is required to cover this liability by insurance or a financial guarantee in an amount determined by the Supervisory Authority. In the case of the International Registry for aircraft objects the current level of cover is USD 130 million. In its eight years of operation, in which it has effected some 420,000 registrations, the Registry has not received a single claim. Furthermore, to date, ICAO which is the supervisory authority, has never faced a dispute proceeding relating to the Registry.

Question 8: Further clarifications are needed concerning the fee structure of the International Registration System for Space Assets. Indeed, the ITU might accept the fee structure in order to recover all the costs for the establishment, the ongoing and maintenance of the system both for the ITU and for the separate Registrar. Would the ITU accept the registration fees at a higher rate in order to recover cost? (The Administration of Australia)

- **During the 2013 Council session, the Legal Adviser stated that** *“It is currently premature to talk about the amount of the registration fees. It has to be kept in mind that these fees are established by the Supervisory Authority.¹⁰ In the case that the ITU becomes the Supervisory Authority, then it will be the responsibility of the ITU to fix the rate in order to recover the costs.”*¹¹
- Indeed, according to **Document C11/26, paragraph 1.7** *“the Supervisory Authority will be financed out of the fees to be paid to the international registry. The future International Registry for space assets is not intended to be a for-profit operation. Article XXXII, paragraph 4 of the Space Protocol provides that “the fees referred to in Article 17(2)(h) of the Convention shall be determined so as to recover the reasonable costs of establishing, operating and regulating the International Registry and the reasonable costs of the Supervisory Authority associated with the performance of the functions, exercise of the powers and discharge of the duties contemplated by Article 17(2) of the Convention”. So,*

⁹ *Ibid*, Article 17, paragraph 4.

¹⁰ *Ibid*, Article 17, paragraph 2(h).

¹¹ Comment partially recorded within Document C13/120, paragraph 1.3.

the Supervisory Authority, in setting the fees to be charged, will be entitled to charge for reasonable setting-up costs and the reasonable costs of establishing, operating and regulating the future International Registry and of supervising the Registrar and performing the other functions of the Supervisory Authority.”

Question 9: According to the comment of the Administration of Japan “*all the Registrar has to register a space-asset identification information. In addition, we also anticipated that items necessary for the space-asset identification are being focused on such as ‘manufacturer’s name’, ‘manufacturer’s serial number’ and ‘model number’.*”¹² Is the above statement correct? (The Administration of Japan).

- The ITU secretariat confirms Japan’s indication. The list of elements to identify a space-asset is still open and under discussions at the Preparatory Commission. The Commission has so far agreed that registration criteria should be kept to a minimum, namely manufacturer’s name and the model of the collateral, plus the serial number if existing. A revised version of Section 5.3 of the regulations (information required to effect the registration) would be circulated to the Preparatory Commission’s members in good time to allow its consideration at the 3rd Session of the Preparatory Commission. It should deal with additional identification criteria (e.g. transponder...), clarification on the notion of physically linked assets when more than one creditor is involved and associated serial identification number.

The Registrar

Question 10: The Preparatory Commission made some proposals relating to the selection of the Registrar. In this respect, what is the position of the ITU? (The Administration of Australia)

- It is premature to discuss the selection of the Registrar¹³ as the Working Group II of the Preparatory Commission which is in charge of this matter will have to give its conclusion by end-2014. These results will be based on “*the discussions regarding the elements to be needed to draft a request for proposal, on the basis of the results reached by that time in Working Group I.*”¹⁴

¹² see Document C14/51, 2. (1)

¹³ The Registrar has as his main duty the operation of the International Registry. Cf Article 17, paragraph 5 of the *Convention on International Interests in Mobile Equipment on Matters specific to Space Assets*.

¹⁴ Document C13/55, paragraph 6(b).

Human Resources Management and Financing

Question 11: As mentioned in the clarifications given by the Secretary-General, it is stipulated that there will be an office for the Supervisory Authority and in this connection, there will be a staff managing this office. For the effective control and supervision of this office/staff, will ITU be the employer? If this is the case, will the employees be treated as regular staff of the ITU? (The Administration of the Philippines) ...The Secretary-General should clarify the estimated amount of initial and operational costs, their own expense to be defrayed, what budget forecast for the activities.¹⁵ (The Administration of Japan)

- It could be assumed, taken ICAO's experience, that there should be no need to hire additional employees for the normal management of the office of the Supervisory Authority and that the extra tasks, foreseen as minimum, would be shared by a small number of ITU staff in addition to their normal workload, taking account that any extra expenses (participation in meetings and associated travel and accommodation spending...) would be recovered from the fees.
- The initial costs so far involved amount to CHF 21,000 which mostly covers mainly the attendance by ITU secretariat at the Diplomatic Conference in Berlin and the two sessions of the Preparatory Commissions. This amount would have been spent irrespective of ITU's interest in becoming the Supervisory Authority in the framework of ITU follow-up of any issues that may be overlapping with ITU activity and responsibility on satellite issues. The budget forecast for the activity should cover participation of two ITU staff to two meetings of the Preparatory Commissions for each of the years 2015, 2016 and possibly 2017 depending on the progress of the Preparatory Commission's work.

Question 12: It is argued that these employees could be paid from the fees to be paid to the International Registry. If this is the case, what would be the role of ITU in the determination, the fixing and in the collection of these fees? (The Administration of the Philippines)

- This element will be taken into consideration in the establishment of the fees, on a cost recovery basis. Fees shall be established and adjusted by the Supervisory Authority, as required by the Convention and the Protocol. In this regard, the first set of fees will be discussed and proposed by the Preparatory Commission, acting as Provisional Supervisory Authority pending the entry into force of the protocol and the final choice of the Supervisory Authority (see answer to question 8 above).

Question 13: The ITU could be assisted by a commission of experts¹⁶ but who will be its employer? (The Administration of the Philippines)

- See answer to question 4 above.

¹⁵ See Document C14/51, 3. (1)

¹⁶ *Space Protocol*, Article XXVIII, paragraph 3.

ITU's participation within the Space Protocol

Question 14: What is the participation of the ITU within the Space Protocol? (The Administration of the Philippines)

As mentioned by the Legal Adviser during the 2013 Council session, *“this Protocol is not open for signing and much less for accession or ratification by an international organization with the exception of different types of organizations such as the European Union. Therefore, the ITU is not a party to this Protocol.”* Moreover, in the event that the ITU be appointed as Supervisory Authority, as mentioned under questions 1 and 2 above,¹⁷ it *“would not supervise the Space Protocol but the International Registration System for Space Assets which will be managed by a Registrar.”* Indeed, *“the ITU would be neither the depositary¹⁸ of the protocol nor the guarantor of its implementation or application.”¹⁹* For more detailed information on the role and functions of the Supervisory Authority, please refer to Article 17 of the Convention as well as Articles XXVIII and XLVII of the Space Protocol.

Furthermore, as mentioned above, the Supervisory Authority is concerned solely with the International Registry. It has no responsibility for interpretation of the Protocol, its implementation in matters not pertaining to the Registry or any other functions or activities not related to the Registry. Interpretation is ultimately a matter for national courts, which for this purpose can have regard to the Official Commentary on the Convention and Space Protocol. Similarly, the Supervisory Authority is not responsible for adjudicating on a particular registration, nor does it give instructions to the Register to change any data relating to a particular registration.

Question 15: The clarifications provided in the document C13/15 seem to endorse ITU being appointed as Supervisory Authority. Even if the Space Protocol is not inimical to ITU, which is the case at present, the ITU has to bear in mind that it contains Article XLVII in its paragraph 3 which concerns the amendments in regards to the Space Protocol. What could be the participation of ITU in the amendments of the Space Protocol? In this amendatory process, the provisions of the current Space Protocol which are for the moment favorable to the ITU could be modified. In this context, how can ITU's interests be protected? (The Administration of the Philippines)

- Concerning the participation of the ITU in a possible amendatory process of the Space Protocol, the **Legal Adviser** stipulated, during the 2013 Council session that *“the Supervisory Authority would have a say in the amendment process and could possibly participate in a Conference which could be conducted in order to amend the Space Protocol.”²⁰*

¹⁷ In reference to The Legal Adviser quotation during the 2013 Council session, Document C13/15, Annex 1 (question 4), Document C11/120, paragraph 5.3.

¹⁸ The functions of the Depositary are listed in Article XLVIII of the *Space Protocol*.

¹⁹ Information also given within Document C13/15, Annex 2 (question 4).

²⁰ Comments partially recorded within Document C13/120, paragraph 1.3.

- Article XLVII of the Protocol provides that at the request of not less than 25% of the States Parties, Review Conferences of the States Parties shall be convened by UNIDROIT as Depositary in consultation with the Supervisory Authority. UNIDROIT would thus be responsible for the organization of any Review Conference but would, of course, act in close collaboration with ITU if it assumed the position of Supervisory Authority.
- The **Legal Adviser** also pointed out that the *“ITU cannot be held to any further changes or modifications which can occur to the Space Protocol and could have a negative impact on the organization or its members. Also, it shall be clearly specified in the legal instrument established by 2014 Plenipotentiary Conference that ITU reserves the right to withdraw from this activity and no longer exercise as Supervisory Authority should the Space Protocol be modified or amended in such a way as to harm the interests of ITU and its members.”*²¹
- In addition to the above, **Document C13/15, Annex 1 (question 1)** which refers to Article XXXV²² of the Space Protocol states that *“the Convention as applied to space assets shall not affect State Party rights and obligations under the existing United Nations outer space treaties or instruments of the International Telecommunication Union.”* So, this Article *“establishes a hierarchy of norms between the Convention on international interests in mobile equipment on matters specific to space assets and other treaties by ensuring that, should conflicts arise, the ITU instruments shall prevail.”*
- The protection of the Member States’ interests was already a strong concern at the 2011 Council session. Indeed, the **Legal Adviser** stated that *“only ratification of the Protocol by a Member State could give rise to legal obligations for that Member State”*²³. He also stressed that *“were ITU at the present stage to show interest in possibly playing the role of supervisory authority that would in no way constitute an irrevocable decision. Moreover, should agreement ultimately be expressed, it would of course be accompanied by all the precautions and limitations required to protect the interests of the Union and its Member States.”*²⁴
- Consequently, in order to prevent conflicts, *“it would be preferable however, that ITU be in a position to prevent them from happening, rather than trying to resolve them after they have occurred. For this reason, involvement of ITU as Supervisory Authority of the registration system could be of interest.”*²⁵

N. B.: As pointed out within **Document C13/15, Annex 1 (question 2)**, *“there is [...] a need to ensure that the implementation of this protocol is carried out in a way that takes into account the requirements of the ITU stakeholders.”*

²¹ *Ibid.*

²² Article XXXV is entitled *Relationship with the United Nations outer space treaties and instruments of the International Telecommunication Union.*

²³ Document C11/120, paragraph 5.5.

²⁴ *Ibid.*, paragraph 5.6.

²⁵ Document C13/15, Annex 1 (question 1).

Question 16: Which document shall the ITU sign in the event that such authority would be accepted? (The Administration of the Philippines)

- **As answered by the Legal Adviser at the 2013 Council session:** *“the decision of the ITU to become or not Supervisory Authority will depend on a legal instrument which still has to be produced by the 2014 Plenipotentiary Conference. The ITU is not linked by another legal instrument coming from elsewhere, it will be a legal instrument crafted by ITU itself and it will have to be sufficiently detailed in order to protect the interests of the organization.”*²⁶

Question 17: According to the comment of the Administration of Japan *“whether ITU intends to adopt the space-asset identification registered under the Protocol as reliable information available defined in the **RR 13.6** and other provisions or not. If so, it should be verified whether the ITU Member States may suffer any inconvenience and/or disadvantage by such unexpected/unintended use of space-asset identification and whether the ITU should play a role of the Supervisory Authority of the Protocol who could determine the range of space-asset identification”*²⁷. (The Administration of Japan)

- Reliable information mentioned under No. 13.6 of the Radio Regulations is related to the bringing into use and continuing use of a frequency assignment in accordance with the notified required characteristics. It is still premature at this stage to establish whether or not the information defining a space asset would be useful in that regard.

The Evaluation of ITU’s implications

Question 18: The ITU shall analyze and evaluate the financial, legal, regulatory as well as operational impacts which could result from assuming the role of Supervisory Authority of the future International Registration System for Space Assets. (The Administration of France, The Administration of Japan, The Administration of China as well as The Administration of Sweden)

Part of the information requested was already answered above especially the legal and regulatory implications developed under questions 1, 2, 4, 5, 6, 12, 13 and the financial implications, which can be found under question 7. Nevertheless, relating to the financial implications, it could be of interest to refer to Article XXXII of the Space Protocol in its paragraph 4, as well as **Document C13/15, Annex 1, question 9 (b)** which points out that *“there is no and there will be no subsidization of Supervisory Authority activity to be charged to general accounts of the Union. Indeed, the Supervisory Authority will be financed out of the fees to be paid to the international registry.”* Also, relating to ITU’s expenses as an observer in the Preparatory Commission, it should be noted that the establishment of the International Registry will be covered *“within the current ITU budget, similar to participation in events in the framework of technology/ITU related matter watch.”*²⁸

²⁶ Comment partially recorded within Document C13/120, paragraph 1.3.

²⁷ See Document C14/51, 2. (3)

²⁸ Document C13/15, Annex 1, question 9 (paragraphs b. and c.).

Question 19: According to the comment of the Administration of Japan, *“supposing that the 2014 ITU Plenipotentiary Conference declines that ITU become the Supervisory Authority, the Secretary-General and the Preparatory Commission, if necessary, should evaluate the impact on each of the stakeholders such as UNIDROIT, Registrants under the Protocol, space assets holders (debtor of funds), and other responsible entities”*.²⁹ (The Administration of Japan)

- At its 2nd session, the Preparatory Commission indicated that it was working on the assumption that ITU would eventually accept the role of Supervisory Authority, and that it would be premature to speculate on possible alternatives. In any case **Resolution 1** of the Final Acts of the Berlin conference relating to the setting up of the Preparatory Commissions foresees the possibility that ITU might decline to become the Supervisory Authority and in that regard it invites “the General Assembly of UNIDROIT, in the event of the governing bodies of ITU deciding that the latter should not become the Supervisory Authority of the International Registry for space assets, to appoint another international Organization or entity as Supervisory Authority of that International Registry upon or after the entry into force of the Protocol.”

²⁹ See Document C14/51, 4.